

Attorney Docket No.: 3051-67789

Client Reference No.: X-09776B

DECLARATION AND POWER OF ATTORNEY -- PATENT APPLICATION

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

Methods For Identifying And Treating Resistant Tumors, the specification of which

(check one) X is attached hereto

 X was filed on 17 April 2001 as

United States Application Serial No. 09/836567 or

PCT International Application No. _____

and was amended on _____

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>P 44 32 563.0</u> (Number)	<u>Germany</u> (Country)	<u>13 September 1994</u> (Day/Month/Year Filed)	<u>X</u> Yes	<u> </u> No
<u>PCT/US95/11125</u> (Number)	<u>WO</u> (Country)	<u>31 August 1995</u> (Day/Month/Year Filed)	<u>X</u> Yes	<u> </u> No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u> </u> Application Number	<u> </u> Filing Date
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<u> </u> Application Number	<u> </u> Filing Date
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/298,644</u> Application Serial No.	<u>31 August 1994</u> Filing Date	<u>Patented</u> Status-patented, pending, abandoned
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<u>08/793,659</u> Application Serial No.	<u>26 February 1997</u> Filing Date	<u>Pending</u> Status-patented, pending, abandoned
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I hereby appoint William R. Coffey, Reg. No. 24023; Arland T. Stein, Reg. No. 25062; Richard D. Conard, Reg. No. 27321; Dilip A. Kulkarni, Reg. No. 27510; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Paul B. Hunt, Reg. No. 37154; Jeffrey A. Michael, Reg. No. 37394; Bradford G. Addison, Reg. No. 41486; Shawn D. Bauer, Reg. No. 41603; Jill T. Powlick, Reg. No. 42088; Ronald S. Henderson, Reg. No. 43669; James R. Sweeney II, Reg. No. 45670; Christopher E. Haigh, Reg. No. 46377; Kevin D. Bailey, Reg. No. 46531; Rebecca Ball, Reg. No. 46535; Carli E. Stewart, Reg. No. 51058; Helen Geib, Reg. No. 50924; Kevin L. McLaren, Reg. No. 48351; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Richard P. Krinsky, Reg. No. 47720; Richard B. Lazarus, Reg. No. 48215; Bobby B. Gillenwater, Reg. No. 31105; Gregory S. Cooper, Reg. No. 40965; Thomas J. Donovan, Reg. No. 33231; Alice O. Martin, Reg. No. 35601; Grant H. Peters, Reg. No. 35977; Mark A. Hamill, Reg. No. 37145; Daniel P. Albers, Reg. No. 44008, Sendil Devadas, Reg. No.

52425, Thomas E. Smith, Reg. No. 18243; Dennis M. McWilliams, Reg. No. 25195; James R. Sweeney, Reg. No. 18721; William M. Lee, Jr., Reg. No. 26935; Glenn W. Ohlson, Reg. No. 28455; David C. Brezina, Reg. No. 34128; Jeffrey R. Gray, Reg. No. 33391; Gerald S. Geren, Reg. No. 24528; Robert F.I. Conte, Reg. No. 20354; Timothy J. Engling, Reg. No. 39970; Howard B. Rockman, Reg. No. 22190; Peter J. Shakula, Reg. No. 40808; Mark A. Hagedorn, Reg. No. 44731; and Mark J. Nahnsen, Reg. No. 51093 as attorneys of record with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:

BARNES & THORNBURG
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone (317) 236-1313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Jason Scott Sawyer
FULL NAME OF SOLE OR FIRST JOINT INVENTOR

U.S.A.
Country of Citizenship

Inventor's Signature

Date

5718 N. Winthrop Avenue

Indianapolis, IN 46220
Residence and Post Office Address

James Jacob Starling
FULL NAME OF SECOND JOINT INVENTOR

U.S.A.
Country of Citizenship

Inventor's Signature

Date

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Carmel, IN 46033
Residence and Post Office Address

Stephen M. Spaethe (Deceased)
FULL NAME OF THIRD JOINT INVENTOR

Date

Inventor's Signature (Inventor, Stephen M. Spaethe, signed by
Lisa Spaethe, as Legal Representative)

U.S.A.
Country of Citizenship

1404 Spruce Drive

Carmel, IN 46033
Residence and Post Office Address (Residence Address of
Legal Representative)



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Jason Scott Sawyer

FULL NAME OF SOLE OR FIRST JOINT INVENTOR

U.S.A.

Country of Citizenship


Inventor's Signature

June 26, 2003
Date

5718 N. Winthrop Avenue

Indianapolis, IN 46220

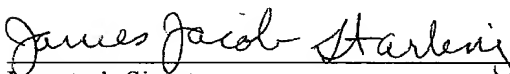
Residence and Post Office Address

James Jacob Starling

FULL NAME OF SECOND JOINT INVENTOR

U.S.A.

Country of Citizenship


Inventor's Signature

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Date

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Carmel, IN 46033

Residence and Post Office Address

Stephen M. Spaethe (Deceased)

FULL NAME OF THIRD JOINT INVENTOR

Date

Inventor's Signature (Inventor, Stephen M. Spaethe, signed by
Lisa Spaethe, as Legal Representative)

U.S.A.

Country of Citizenship

1404 Spruce Drive

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Legal Representative)